



Landscape Democracy in a Globalizing World

The Case of Tange Lake

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Landscape Democracy in a Globalizing World: The Case of Tange Lake

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ABSTRACT *The main topic of the article is the question of landscape democracy in a world where local issues are seldom just local. This topic is treated both in general terms and in relation to one particular case: the artificial Tange Lake in Denmark. The first part narrates the story of Tange Lake. It identifies the most important international drivers that have influenced landscape development in the area directly or indirectly through the actions of a variety of local actors with conflicting conceptions of landscape quality. The variety of drivers, actors and conceptions present at Tange as well as in a great number of similar cases raises questions concerning levels and models of landscape democracy. This is the main theme of the second part. First, three basic democratic values are identified together with three orders or levels of impartiality. Second, the relation between levels of democratic decision-making is discussed with the principle of subsidiarity and the concentric circle theory as guiding lines. In the final section, these general considerations are discussed in relation to the Tange case.*

KEY WORDS: democracy, ethics, impartiality, landscape convention, water framework directive

A fundamental question in political theory is who should make decisions where, how and for what reasons. Should all citizens have equal shares in all decisions of common concern, regardless of what is at stake? Should education, expertise, skill, virtue and competence matter? Is private property of primary importance, and should decisions be based on private owners' and consumers' willingness to pay? How do we separate public from private goods? A quick look at modern democratic societies will show that the answers to these questions differ widely across both societies and sectors.

The European Landscape Convention focuses on landscape quality and democracy under the heading 'landscape democracy'. Given the variety of understandings of democracy in other areas, no one ought to be surprised to find that here too there is a variety of organizational models. This diversity is extended by the fact that landscape changes are not determined only by local or even national decisions. A wide array of international or global drivers influence landscapes, sometimes in fairly obvious ways, other times in more concealed modes.

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This paper consists of two parts. In the first part, the story of the artificial Tange Lake is presented, focusing on influential global drivers and on questions concerning models of landscape democracy. The second part focuses on these questions in a general manner. Three main democratic values and three orders of impartiality are identified with the aim of highlighting the dilemmas we are facing when promoting democracy in relation to landscape development. Finally, the paper returns to the Tange case in order to see how the dilemmas occur in a specific setting.

Landscapes in a Globalizing World: The Tange Lake Case

A Landscape Marked by Global Drivers

Denmark has had a large export of agricultural products at least since 1828, when the Corn Laws in England were lessened, and particularly after 1846, when the laws were finally repealed. Reliance on agricultural export has had a huge influence on the Danish landscape. Two-thirds of the land has been reserved for agricultural purposes, most of it ploughed. Marshlands, meadows and lakes have been drained. Ninety percent of all watercourses have been regulated.

The Danish landscape is a landscape geared for global export. Hopes for export were also the main driver, when a group of farmers at the end of the nineteenth century asked the Danish Heath Society to present a project proposal on irrigation of the farmland along the shores of the Gudenaa, the only watercourse in Denmark deserving the name 'river'. The Heath Society was originally established with the purpose of planting forests in heath areas of western Jutland, but soon became involved in all kinds of projects making unproductive areas (heaths, moors, and meadows as well as lakes and inlets) suitable for agriculture or forestry (Hansen, 2008).

The young engineer Kristian Thomsen proposed the creation of a canal parallel to the river (Thomsen, 1905; Jacobsen, 1981). The gradient of the river was fairly large here, and the canal would end up several meters above the level of the river making it possible to irrigate the surrounding land—and to establish a hydropower plant. However, Thomsen estimated that the irrigation project would never pay. It fell due to the introduction of another global driver: railways and coal-fired steamships making grain from overseas countries so cheap that Danish farmers had difficulties competing (wherefore they soon changed to animal production).

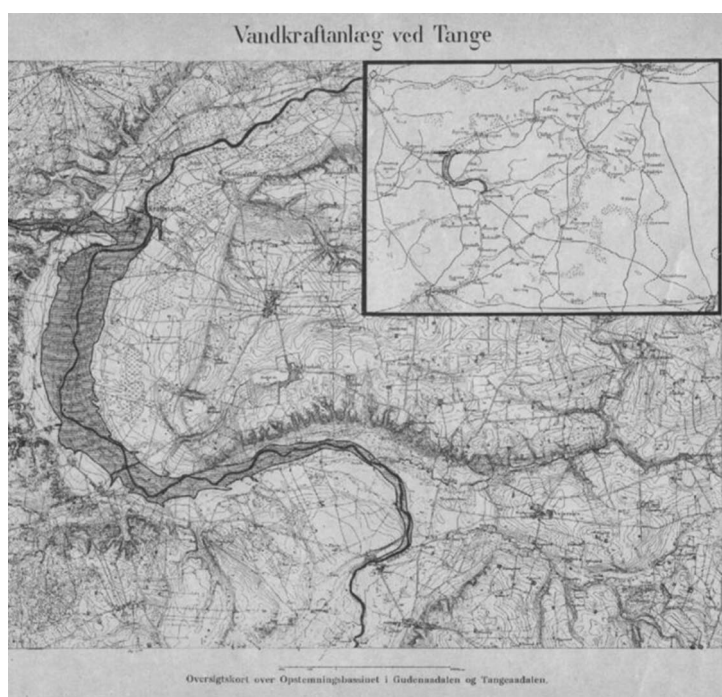
A few years later, Thomsen made a second proposal, where he gave up irrigation and concentrated on hydroelectricity. Instead of a canal he now suggested a dammed lake. A commission was established (Faber & Thomsen, 1910), and Thomsen managed to assemble a consortium of investors, who applied to the Danish parliament for a concession in 1914. Thomsen's new project was only possible because cheap coal and railways had ruined a business which had been of primary importance only a few decades before: river transport with barges to forest areas in central Jutland. The cheap coal lessened the pressure on forests (only a few percent were left in Denmark), and the railroad outmatched the barges. Transport no longer had top priority in the use of the river.

Cheap coal from abroad also made the hydropower project economically fragile until another event of global significance occurred. The First World War with trade



Figures 1–3. Photographs of the stretch of the river that was later flooded. This stretch was a popular mating ground for salmon and trout. Cattle and sheep grazed in the surrounding meadows.

blockade by submarines made the price on coal increase tenfold, and a fast growing demand for electricity made Thomsen's project seem extremely attractive, particularly to the authorities in the nearby city of Aarhus, who became the main investor (Nielsen, 1993). In 1918, the concession was given by the Danish parliament (Rigsdagen, 1918). When the Tange plant began producing electricity in January 1921, it covered one fourth of the total electricity demand in Jutland.



Figures 4 and 5. Thomsen's first project with an irrigation canal (dark blue) along the river (light blue). The canal leads to a hydropower plant (Thomsen, 1905). In the second project, the canal is replaced by a lake, flooding the whole basin (Faber & Thomsen, 1910).

The project also changed the local landscape completely. Instead of a small river with a fairly strong current surrounded by cropped meadows, a big lake with calm water now dominated the landscape. Twenty-two farms, a couple of inns and various other houses had been removed. Two hundred local landowners had been affected. The new plant became a major focal point in the area. The ecology of the area was changed, too. Most significantly, the local population of salmon disappeared, not only because the stream was blocked during the construction period, but also because anglers caught salmons which had problems getting upstream (Poulsen, 1935). The sea trout managed the situation better, but still continue to suffer from the fact that the best spawning stretches were flooded.

Views and Actors

The hydropower concession was given for a period of 80 years (Rigsdagen, 1918). It ran out in January 2001, when parliament had to decide whether to renew it. A public debate started years before that and soon became heated (Arler, 2001). The first movers were anglers, who saw the plant as an obstacle to the continuation of viable stocks of salmon and sea trout. The question was whether this was argument enough to drain the lake and remove the plant.

A strong local opposition against emptying the lake emerged, and a 'Society for the Preservation of Tange Lake' was established in 1995. Today, 4500 individual members and some 90 organizations support it. The backing comes from a broad variety of people from house owners with a view to the lake, bathers, yachters, rowers and surfers, to birdwatchers, friends of hydropower, landscape aficionados and defenders of otters recently found in the lake. 'What is most important?', the Society asks on its homepage (<http://www.tangesoe.dk/>). "To meet the demands of a bunch of anglers hunting for salmon? Or to give space and opportunities for tens of thousands of people, who are engaged in a variety of other activities, including angling for other species than salmon."

The lake is a major landscape feature in an area without other characteristics of comparable significance. Its continuous existence for 80 years has put its mark on local habits and identities as well as on the ecology. Few people remember the landscape before the lake. Infrastructure and settlements have been adjusted to it. People row, sail and bathe; they fish, hunt and watch birds; they walk along the shores and enjoy the view of the lake. Would a relief of the salmons' troubles and the realization of the anglers' dreams outmatch this?

The anglers are aware of the difficulty of turning the satisfaction of their private desire for catching fish into a strong public case. So they play the 'naturalness' card. They assert that the main reason for restoring viable salmon and trout stocks is not the satisfaction of their own private wants. These stocks form a natural part of the river's ecosystem, they claim, and the lake is an artificial construct obstructing the natural course of events. 'Natural' is good, artificial bad. Artefacts cannot be 'natural', humans are not part of 'nature'.

By playing the 'naturalness' card, the anglers strengthen their position in two important ways. First, they dissociate their demands from their own private (although undoubtedly 'natural') passion for catching fish, and elevate their course from one of private preferences to one of public concerns. Second, they associate



Figures 6 and 7. To the left, the artificial canal leading to the plant. To the right, an aerial photo of the plant with the lake in the background.

themselves with some forceful global drivers, the international conventions and EU directives written with a similar appeal to ‘naturalness’.

The *Convention on Biological Diversity* from the Rio Summit in 1992 (UN, 1992) recommends that not only species, but also subspecies or local strains, ought to be preserved *in situ*, “in their natural surroundings” (Article 9). This is the convention that anglers and other opponents to the lake and the plant referred to in the beginning. The current salmon are not descendents of the ‘original’ population, however. The anglers exterminated the salmon completely early in the 1920s, after which fry had to be imported from other rivers. Consequently, the biodiversity convention did not give much support.

Latterly, the EU *Water Framework Directive* (EU, 2000) has received the main attention. According to this directive, ‘naturalness’ is the key value in the evaluation of the state of water areas. The highest status is given to conditions showing no human influence at all (Annex V, Table 1.2). This is the ‘reference condition’ in relation to which artificial changes are perceived as deviations. Deviations are only allowed in cases where environmental effects or economic burdens of restoring an area to its ‘natural’ state are disproportionately high, or where environmental and socioeconomic needs justifying an artificial state “cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs” (Article 4.5).

In 2007, a report requested by the Danish Society for Nature Preservation concluded that it was necessary to empty Tange Lake in order to meet the demands of the directive. The positive effects would by far outmatch the negative ones, the report concluded. The non-fossil electricity production could be replaced by electricity from wind turbines, and the loss of sailing and other recreational activities could easily be made up for (COWI, 2007b). The national board of the Society for Nature Preservation therefore decided to support the drainage of Tange Lake. It was not a real lake, anyway, but only an artificially dammed up river in need of restoration.

The local committees of the Society did not back up this conclusion. Not only are significant cultural values at stake. The lake’s 80 years of existence has changed the



Figures 8 and 9. The hydropower plant and the narrow passage for migrating fish (Photos: FA)

local ecology to such an extent that new interesting features have evolved. Even more importantly, to local people, the value of the lake cannot be reduced to exchangeable recreational options and carbon-neutral electricity. It is a significant part of *their* landscape, not just a cluster of ‘recreational opportunities’. Recreation is not the central issue at all. The river and the meadows, which are expected to replace the lake, do not have the same kind of charisma. The landscape will change radically if the lake is removed, but not, the local committee concluded, into something better. In cultural landscapes, nothing is pristine anyway, and unaffectedness by human beings is not an unquestionable value (DN, 2007).

Other stakeholders have interests in the area. In 2007, for instance, the Danish Heritage Agency intervened by preserving the main dam with its locks, the canal and the power plant itself due to their remarkable historical and architectonic value. The Tange plant is the biggest hydropower plant in Denmark, and several of the leading technicians and entrepreneurs of the period were involved in the project. Some of the buildings now contain an electricity museum, which deservedly has become a popular excursion spot with more than 80 000 visitors each year.

Other actors work in the opposite direction. The Gudenaå runs through the areas of several municipalities striving to enhance water quality in the river and to restore sustainable stocks of salmon and sea trout. Upstream, a number of barriers have been removed and a considerable amount of resources have been used on sewage treatment. Revitalized stocks of salmon and trout would be a final mark of success, and the narrow passage at Tange is looked upon with much suspicion.

One final actor ought to be mentioned: Niels Due Jensen, the central figure in the family that owns the dominating company in the local area, Grundfos, a main global producer of circulation pumps. Due Jensen is a passionate hunter and angler, and claimed early in the process to be willing to pay a considerable part of the expenses, if the river were restored. This intervention actually triggered the establishment of the Society for the Preservation of Tange Lake. The initiators saw Due Jensen's offer as a sign of the exclusiveness of the interests of the lake's opponents and warned against letting purchasing power determine the outcome.

A Democratic Decision

The concession was given by the Danish parliament, and the decision as to whether the plant shall survive or not has to be made here. The parliament has been hesitant, however, and postponed the decision by extending the concession two years (Auken, 2000; Folketinget, 2000), then five years (Schmidt, 2002; Folketinget, 2002), and finally six years (Lund Poulsen, 2007; Folketinget, 2007). The government parties' argument for the latest postponement was to wait for the final water plan for the river, which, in accordance with the time schedule of the EU's *Water Framework Directive*, should have been finished before the end of 2009, and for the action plans to be published one year later (Lund Poulsen, 2007).

This is not a convincing argument. The crucial point is whether changes from 'natural conditions' are acceptable, either because the effects of restoration are disproportionately high, or because the needs which justify artificial changes cannot be met otherwise. The clarification of this point does not depend on local water plans. Basically, it is a political question of what counts as reasonable alternatives and as disproportionately high costs (see also EU, 2009). The answer may be informed by economic assessments, if these take ability to pay into account. First and foremost, however, the importance of the artificial landscape features' to the local identity needs to be evaluated. This may be the reason why the *Water Framework Directive* recommends early public involvement (Article 14), although the intention rather appears to be to avoid public opposition to centrally devised plans.

The water plans were delayed one year, but in the recently published draft, the deadline for setting up targets for the Tange Lake area is further postponed for 'technical reasons': there is no clear definition of the directive's concept of 'river continuity' (see EU, 2000, Annex V) and no clarity about how to interpret the directive's regulations concerning fish passages in established hydropower lakes (Byg Landskabstyrelsen, 2010). So the long-awaited draft did not provide the help that the politicians were hoping to get.

The majority parties in the parliament tried to hide behind technical issues, when they requested a delay in order to get the local water plans finished and economic

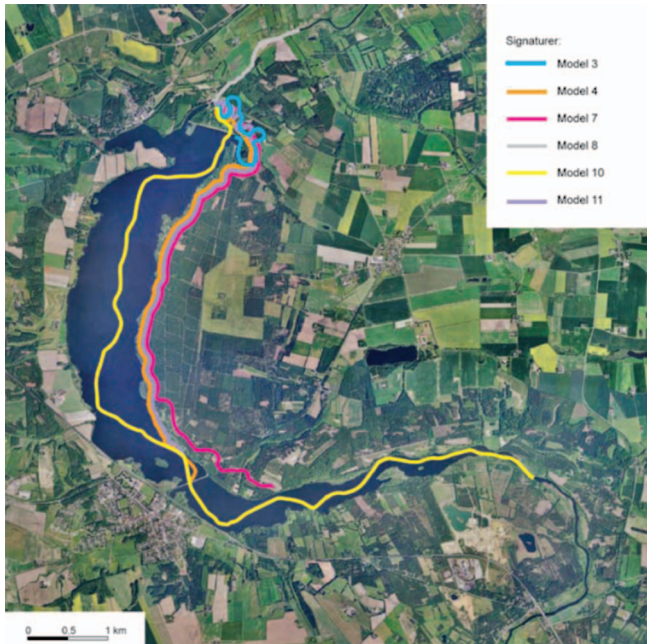
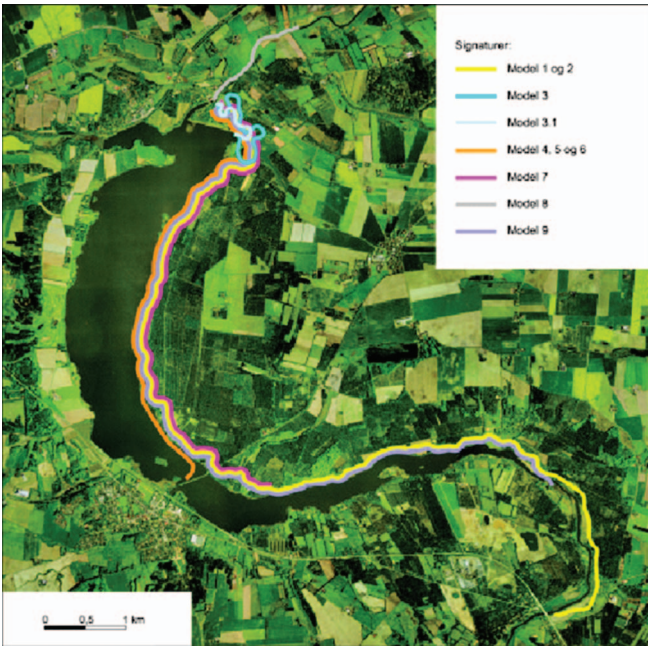


Figures 10 and 11. The rear view of the plant. Part of the electricity museum is placed in the tallest building. (Photos: FA)

evaluations carried out. Several economic evaluations have been made already (COWI, 2007a; Nickelsen, 1998; Skov- og Naturstyrelsen, 2002), and the crucial questions about ‘reasonable alternative’ and ‘disproportional costs’ remain political. Even if one decides to treat these questions as economic issues, this decision is in itself of a political nature. The true motive for the postponement was basically the same as in 2002 (Miljø- og Planlægningsudvalget, 2002): the politicians wanted a time-out, knowing that no matter what decision they ended up with, it would be unpopular with certain groups of voters.

Democracy and Its Values

It has been stressed in the debate concerning the destiny of Tange Lake that decisions ought to be made democratically. This is entirely in line with the European Landscape Convention, according to which landscape development is “the concern of all and lends itself to democratic treatment, particularly at the local and regional level” (Council of Europe, 2000, ER par. 23). It is far from obvious, however, what this implies. Various models for decision-making may be relevant, because various



Figures 12 and 13. Different solutions at Tange. In the 2002 report (Skov- og Naturstyrelsen, 2002), it is assumed that the lake shall continue to exist. The question is only whether to establish a short or a long passage for fish. According to the 2007 report (COWI, 2007a) only Model 10, which includes draining the lake, can meet the demands of the *Water Framework Directive*.

values and concerns are at stake (Arler, 2008). Let us take a quick look at these values and concerns.

Self-determination

Personal autonomy, that is, self-ruling or self-determination, has been a basic tenet in Western conceptions of democracy since antiquity. Personal autonomy or self-determination is a complex concept that can be interpreted in a number of ways. Basic to all, though, is the assumption that human beings are vulnerable creatures. Without some kind of protection, an individual's life zone may be in danger of being invaded by others, making it impossible for the individual to pursue self-chosen ideals of the good life.

Although autonomy has many aspects, quite often the concept is related directly to liberal, liberalist and libertarian traditions in political philosophy, focusing mainly on liberty or personal freedom understood negatively as absence of coercion (from fellow citizens and the state) and public neutrality towards conceptions of the good (Kymlicka, 2002; Raz, 1986). In other interpretations, however, such as those of neo-Aristotelians, focus is rather put on the positive quality of being capable of doing the right thing and promoting well-considered conceptions of the good. In this view, autonomy is a comprehensive concept that includes much more than simply the ability to do whatever one happens to wish.

Defences of self-determination can similarly be separated into at least two groups. The first group makes a sharp distinction between the right and the good. People have different conceptions of the good, and no one is capable of deciding which conception is best. From this point of view, we must keep public regulations neutral to the various conceptions, respect their creators, equip them with private rights, and let them cultivate their ideals within their own private sphere. Each individual can be expected to be a better judge than any other person of what is beneficial to his or her own well-being. Often personal liberty is assigned status accordingly as a transcendental value (Kant, 1785/1965), as a trump (Dworkin, 1977), as a side constraint (Nozick, 1974), or as a primary good of overriding priority (Rawls, 1971). Liberty should only be restricted for the sake of liberty, never for the sake of any particular good.

The second group argues instead that the protection of a free space is fundamental, because individuals have to learn to lead independent lives in order to develop their capabilities to the full (Nussbaum & Sen, 1994; O'Neill, 1997). This is a more classical position in line with conceptions originating in ancient Greece, with Aristotle as a prominent figure. Liberty is not a transcendental value that always trumps other values, and there is no reason to demand public neutrality to conceptions of the good. Self-determination remains a value of highest significance, but only because it must be considered an indispensable part of the good life.

On each of these two routes, one can find reasons enough to back up a claim to protect self-determination within individual life zones. The question is only how prominently this claim ought to be seated, and the implications it may have. Here, we find a significant difference between the two lines of argument. From a classical (or neo-Aristotelian) point of view, self-determination is considered in connection with other values contributing to the good life, including a number of public goods.

As important as it is, individual self-determination cannot be considered always to override other kinds of goods.

On the other hand, liberalists and libertarians argue that the morally overriding status of the value of self-determination implies that as many decisions as possible should be made in the private sphere and coordinated through the market. If, as Margaret Thatcher once phrased it, there is no such thing as society, but only an aggregation of individual men and women, neither can there be a common good apart from the aggregation of private goods. If markets cannot be established, decisions should rely on methods aggregating private choices in ways resembling the market.

An aggregated evaluation of the Tange case in accordance with the liberalist line of argument has been suggested by some economists (Dubgaard, 1998; Harremoës *et al.*, 1998). This line of argument is also a main ingredient in the *Water Framework Directive's* demand for an economic assessment of the appropriateness of deviations from 'natural conditions' (EU, 2000, Article 4.5). We have already seen this reflected in the report to the Society of Nature Conservation (COWI, 2007a, 2007b), arguing that the private benefits of saving the lake are not significant enough to overrule the directive's naturalness request. From the classical or neo-Aristotelian point of view, on the other hand, the aggregated evaluation would only be relevant in cases where no common goods appear to be of overriding importance. This kind of assessment can only depend on arguments, never on individuals' willingness to pay.

Co-determination and Participation

Co-determination and participation belong to another cluster of values with a long tradition in democratic theory and practice. Adherents of self-determination in terms of private liberty tend to focus almost exclusively on people's private affairs. Thus, decisions concerning common issues should be treated as virtual market aggregations based on surveys revealing people's willingness to pay. Advocates of co-determination, on the other hand, see public affairs as a separate field. They particularly resent the idea of turning public affairs into a market-like playground, where economic power determines the result. In the language of Rousseau, the 'common will' must be distinguished from the aggregated 'will of all' (Rousseau, 1762/1968). The *citoyen* must be kept separate from the *bourgeois*.

The line between private and public affairs is not easy to draw, however, and co-determination is often interpreted in ways that make it equivalent to self-determination. This is the case, for instance, when it is argued that everybody ought to have influence on an equal basis, independent of economic strength and no matter what they happen to desire. In this case, voting or preference surveys replace willingness-to-pay surveys, but people may still rely on private wishes rather than on public concerns. Another example is the utilitarian belief that we should seek the solution that results in the greatest happiness of the greatest number of people. In both cases, the principle of equal consideration is basic: everybody should count for one, and nobody should count for more than one (Bentham, 1789/1996; Mill, 1861/1957; Singer, 1993). But the outcome is likely to be aggregations of people's private preferences rather than expressions of their well-considered convictions as citizens concerning the common good.

The American philosopher Mark Sagoff once asked his students whether they supported the establishment of skiing facilities in the nearby protected area Mineral King Valley (Sagoff, 1988). The students happened to turn down the proposal, even though a vast majority was more interested in visiting a ski resort than an apparently mosquito infected protected area. Sagoff concluded that they were capable of setting their private interests aside and make choices as genuine citizens. But what if the students had been biologists? Could we still be certain that they made their decision as citizens? They would probably be easier to convince about protecting the area. Even if they defended their position with reasons unrelated to their own private desires, these desires would undoubtedly make them more sympathetic towards preserving the park. After all, skiing resorts can be defended for social reasons, too; that is, furthering public health, facilitating athletic activities, etc.

Co-determination of *citoyens* is sometimes co-determination of *bourgeoisies* in disguise. In the Tange case, some spokesmen of the Society for the Preservation of Tange Lake have argued along these lines. Decisions should not focus on the exclusive interests of anglers, they argue, nor be based on willingness to pay, giving wealthy people inequitably great influence. Instead, decisions should reflect the interests of “the tens of thousands of people, who are engaged in a variety of other activities”. This is basically a utilitarian argument ignoring the quality of reasons. Only numbers count, not willingness to pay or publicly assessable arguments. If everybody ought to have equal influence, no matter if wishes are coherent and well-considered or not, all we have to do is to count preferences. It is far from obvious, though, whose preferences should count. Stakeholders beyond the local area (and beyond the current generations) are difficult to integrate systematically in the decision process, if only preferences count and arguments are ignored.

Impartiality and Respect for Arguments

However, a third important value is also involved in the concept of democracy: impartiality and respect for arguments. This is a value that is too often overlooked. Whereas self-determination and co-determination both encourage the introduction of partial desires and unconsidered preferences in the decision process, shifting focus to respect for arguments and deliberation means separating wishes which are well-considered from those that are not. In order to explain what this means, it can be useful to draw on some points presented by the German philosopher Immanuel Kant in his *Anthropology* (Kant, 1769/1980, par. 2). His main argument is that we should try to overcome our instinctive egoism in logic, morality and aesthetics.

A *logical* egoist does not understand the necessity of letting other people test judgements. He sees no need for inputs from other people. There is no point in confronting a public audience of reasonable and well-informed colleagues or fellow citizens. Disputes are games of power, where everybody tries to further certain interests through slyness, force and fraud. In contrast to the egoist, logical ‘pluralists’ see the review of peers as encouraging. They are willing to learn from critique yet remain firm on well-founded standpoints, even if no one else backs them up.

To a *moral* egoist, all aims are ultimately related to his own satisfaction. He has no conception of duty and no sense for claims on mutual respect. Everything is seen through the glasses of self-centred utility. The world is a playground for cynical

calculators. The only rules that count are hypothetical imperatives, maxims of prudence that even the sleaziest devil would follow out of self-interest. Moral 'pluralists', on the other hand, are led by categorical imperatives. They think of fellow human beings as independent persons, whose requests for autonomous flourishing lives are as legitimate as their own. According to the pluralists, any desire or motive people may have for acting needs to be tried out in a universality test (see also Kant, 1785/1965). The motives ought to be reasonable and the consequences of their accomplishment acceptable to all.

Aesthetic egoists make do with their own judgements and ignore other people's reviews and evaluations. Aesthetic egoists believe that aesthetic impressions and judgements are subjective to the extent that there is no point in arguing about them. When people try to convince each other, this is only a matter of tricking and deceiving. Aesthetic 'pluralists', on the other hand, wish to learn. They are never satisfied with settled judgements, but appreciate evaluations that may help them improve their own perceptions, sharpen judgements and qualify their conceptions of beauty. Learning pluralists are always looking for qualified conversational partners.

When landscape qualities are at stake, pluralists wish to test ideas before panels of landscape connoisseurs with diverse experiences. The diversity of views is a welcome challenge, because this is where learning and deliberation are most likely to occur (Brady, 2003). This is where one realizes which views to give up and which conceptions will stand the test of close inspection and scrutiny. To aesthetic pluralists, defending judgements against other people's objections is equivalent to justifying these judgements to themselves. This is an opportunity they would never give up, not even if such a sacrifice would provide them with more influence over their current hasty and unchallenged ideas and preferences.

Procedures and Multi-order Impartiality

Some defenders of self-determination identify autonomy as a formal liberty to think and act as one prefers. There is no obligation to justify views and actions. Likewise, it is sometimes argued that the value of co-determination must be based on equal respect, not only for individuals, but also for their conceptions of the good, no matter what these conceptions contain. In a democracy, each individual ought to have equal influence, no matter which goods are pursued, and no matter how well they are considered.

The insistence on impartiality as respect for arguments, without regard to their source, opposes both self-determination and co-determination, if these are conceived in such a simplistic way. From the point of view of deliberative democracy, autonomy cannot be reduced to the formal liberty of doing whatever one wishes. To be truly autonomous, one must be able to justify views and actions with impartial arguments that everybody is expected to accept as appropriate and sufficient (Scanlon, 2000). The core of democracy is deliberation; a free exchange of arguments combined with the citizens' enthusiasm for learning in order to find the best solutions to problems occurring in the continuous pursuit of the good life.

Still, there is also some kind of impartiality involved in self-determination and co-determination. Even if one insists that autonomy involves justifying, one has to admit that sometimes even the best arguments do not settle conflicts unambiguously.

In these cases, procedures which provide due respect for the values of self-determination and co-determination offer second order impartiality. For instance, one party may promote the establishment of a national park that is going to be modified in order to make it appear like a pristine landscape. Another party may insist on preserving some unique features of the cultural landscape originating from certain cultural practices. In such cases, the making of reasonable decisions becomes dependent on impartial procedures, rather than on impartial arguments alone.

Procedures offer a kind of second order impartiality if an agreement is difficult to reach. The choice of procedures is not smooth and easy, though, but is in itself a field of conflicts. Different conceptions of democracy related to the three values pull in different directions, as shown in Figure 14. The more one is convinced of the necessity of relying on arguments, the more one is also likely to hold on to procedures supporting rational deliberation, knowledge sharing and the furthering of aesthetic awareness. Emotivist sceptics, on the other hand, who believe that judgements rely on accidental private feelings, will pull in the opposite direction.

The traditional institutions of representative democracy constitute the backbone of second order impartiality. In many cases, however, elected representatives want to apply other kinds of methods and procedures or involve expert and connoisseur opinions. Sometimes such procedures are already established by law, as is the case, for instance, of public hearings following the publication of proposals for local plans. Public involvement is also mentioned in the EU's *Water Framework Directive*, alongside obligatory expert opinion on water quality and economic evaluations of exemptions.

In the Tange case, arguments concerning the selection of methods and procedures have turned out to be as important as arguments related to the issue itself. When choices of methods and procedures are controversial, it becomes important to

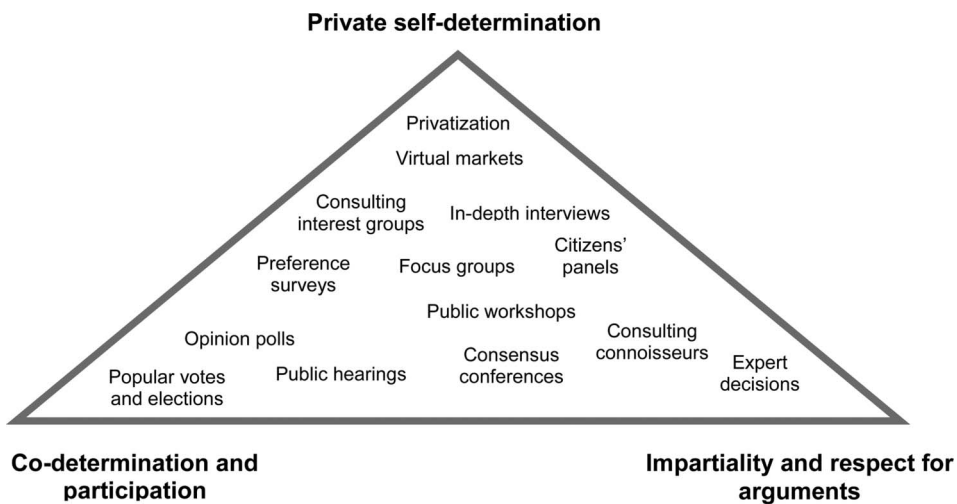


Figure 14. The three basic values of democracy point in the direction of different procedures that may supplement the traditional procedures of representative democracy.

determine who is responsible for the selection. Thus, the quest for impartiality is relegated to a third level: the determination of the appropriate unit for decision-making. Is there an impartial way of determining at which level the choice of methods and procedures ought to be made?

Multi-level Democracy

The Concentric Circle Theory and the Principle of Subsidiarity

In order to deal with this question, let me bring in a theory congenial to Kant's critique of logical, moral and aesthetic egoism. The American philosopher Peter Wenz calls it the Concentric Circle Theory (Wenz, 1988). The main point is that although our attention is primarily focused on people closest to us, where obligations are most comprehensive, obligations emerging from larger circles are, in a certain sense, stronger than those emerging from the smaller and more exclusive ones. The rules and obligations of the larger circles provide framework conditions for the smaller ones.

We may, for instance, have emotionally strong comprehensive commitments towards members of our family and yet be strongly opposed to nepotism. Similarly, we may have strong feelings towards our local area and yet insist that national authorities should not treat it differently from other areas, unless impartial reasons can be stated which everybody else ought to accept as fair and equitable. Commitments in larger circles frame the lives in smaller ones, and we are offended if emotionally based small circle commitments seep into the larger circles.

At the same time, however, boundaries have to be set on the comprehensiveness of demands from larger circles. If people are deprived of all opportunities for local or even personal self-determination and become regulated down to the smallest detail by a distant state or a supranational organization, they react, and rightly so. Even when regulations are backed up by good reasons, there is always a significant spectrum for converting general reasons into specific decisions and rules. Choices within this spectrum should be made as locally as possible, even where local communities are conflict-ridden.

This is why European Community representatives stated the Principle of Subsidiarity explicitly in the preamble to the founding *Maastricht Treaty on European Union* from 1992. This was not a new and unique invention, though. An earlier formulation can already be found in Article 5 of the *Treaty constituting the European Coal and Steel Community* from 1951, and much further back, the Tenth Amendment of the American Constitution can be seen as a precursor, declaring the sovereignty of the states participating in the federation. Even older examples can be found.

The basic intention of the subsidiarity principle is to ensure that decisions will be made as closely as possible to the citizens affected. Large circle organizations should only take action when common interests are handled more effectively and equitably here than at lower levels. Central authorities have subsidiary functions. Similarly, the actions taken should not present more specific demands than necessary to the lower levels. A free scope for culturally different choices should be left for low level actors.

Democracy in the Tange Case

Let us say then, first, that all local areas should be treated equally. Second, local decisions should not defy considerations leading to fair and reasonable commitments at higher levels. Third, higher level commitments should never be so wide-ranging that local life becomes trapped in a jungle of detailed regulations. In the Tange case, a number of reasonable interests and commitments can be found beyond the local area (see Table 1). Whenever there is a river, there are always local people who live upstream and downstream and who do not agree with decisions made midstream. The local level is not the only one of relevance.

At the national level, where the concession was given originally, various interests are represented. These are strengthened by the fact that the Gudenaa is the largest river and the Tange plant the largest hydroelectric facility in the country. Beyond the national level, the most well-founded interest, in terms of organizational back-up, is

Table 1. Decisions concerning landscape features and qualities can be made at various levels. A number of levels are separated where different sets of interests and motives are most prominent

Level of decision	Interests at stake
Individual level	Private interests
Private preferences <ul style="list-style-type: none"> ● aggregated through preference surveys, or ● monetized directly or indirectly, e.g. through contingent valuation surveys 	Angling, yachting, rowing, bathing, various kinds of landscape and nature experiences, including cultural experiences, lake views, house prices, tourist opportunities Felt moral commitments ('warm glow' preferences)
Local and regional levels	Local and regional identity
Political decisions <ul style="list-style-type: none"> ● at the municipality level ● at a regional level (taking account of the whole river basin) 	The lake as significant landscape feature, the plant as cultural monument, populations of salmon and trout as symbols of an undisturbed (or restored) river
National level	National priorities
Political decisions	Cultural heritage, CO ₂ -neutral energy production, sustainable populations of salmon and trout, compliance with EU directives and international conventions
International level	International priorities
<ul style="list-style-type: none"> ● EU's Habitat Directive and Water Framework Directive ● Council of Europe's European Landscape Convention, Architectural Heritage Convention, Convention on the Value of Cultural Heritage for Society ● UN's Biological Diversity Convention, Bern Convention on European Wildlife and Natural Habitats ● UNESCO's Convention on World Cultural and Natural Heritage 	<i>In-situ</i> protection of threatened species or populations, water quality, habitat protection, landscape quality, cultural heritage

that of water quality as defined in the *Water Framework Directive*. This directive gives formal authority to the quest for water quality understood in terms of ‘untouchedness’. It also specifies procedures in cases of conflicting interests. If interests are powerful enough, they overrule the directive’s substantial demands. Exemptions from the ‘naturalness’ regime are allowed if advantages related to artificiality are significant enough.

However, the directive appears to skip at least two levels of decision-making: the local and the national level. It jumps directly from the EU level to market aggregations of individual decisions. We saw previously how the report commissioned by the Nature Conservation Society (COWI, 2007b) argued that it was necessary to empty the lake in order to meet EU demands, because there are no significant economic advantages in maintaining the lake. In this way, it is left to an uncoordinated group of casual individuals, acting as self-interested *bourgeoisies*, to determine the destiny of the lake. The local and the national levels are set aside.

On the other hand, it is stated clearly in the directive’s preamble, in accordance with the principle of subsidiarity, that decisions should be made “as close as possible to the locations where water is affected or used”, and that success in the implementation of the directive “relies on close cooperation and coherent action at Community, Member State and local level as well as on information, consultation and involvement of the public” (EU, 2000, par. 13, 14 and 18). There seems to be a discrepancy here, unless one identifies local decisions as those of strong economic actors.

A non-legally binding *Guidance Document on Exemptions* notes that the rules concerning allowance of exemptions are unclear (EU, 2009, 4). The guidance document is only partly helpful in this respect, but it softens the rigid demands in the Directive and emphasizes that it is not always necessary to monetize, sometimes not even to quantify costs and benefits, in order to make assessments. If costs and benefits are monetized, it is also relevant to include considerations about stakeholders’ ability to pay. Decisions should be based on an “appropriate mix of qualitative, quantitative and, in some cases, monetized information”. The key message is that assessments of disproportional costs are basically political. They may be informed by economic analysis, but can never be reduced to book-keeping (EU, 2009, 13f, 28).

A similar message was stated in the first *Guidance Document on Economics and the Environment* from 2003. Economic analysis does not make decisions on its own. It can formulate recommendations at best. In the end, assessments whether costs are disproportional and exemptions are justifiable rely on political judgements (EU, 2003, 14, 25). This does not tell us much about the appropriate political level, but in the Tange case, the primary political institution is inevitably the parliament, where the concession was given originally. It makes a lot of sense to coordinate the decision-making with local representatives, but relevant well-founded interests outside the Tange area cannot be ignored either. Even though some formulations in the *Water Framework Directive* may tempt hesitating politicians to hide behind economic calculations, there is no escape from genuine political decision-making at the national level.

Selecting the appropriate level is never a straightforward matter. If strong reasons back up decision-making at a transnational level, both national and local decisions

must comply with these reasons. It does seem inappropriate, however, when higher authorities decide to skip one or more of the lower decision levels altogether and leave it to private consumers to determine whether a common feature, towards which local people exhibit emotionally strong involvement, is worthwhile preserving.

Concluding Remarks

The Tange Lake case clearly illustrates the challenges we face when promoting landscape democracy in accordance with the European Landscape Convention. Not only are a number of divergent and sometimes even incompatible landscape values typically at stake. A diversity of democratic values is also involved as well as a variety of procedures and decision levels to choose from, or rather, to assign proper roles to.

In this article, I have focused on three fundamental values involved in democratic decision-making: self-determination, co-determination and respect for arguments. The third of these, respect for arguments, is often ignored, but is as basic as the other two. Respect for arguments narrows the decisional spectrum considerably, but even the best arguments are seldom decisive enough to leave us with only one solution still standing. The construction of decision-making procedures thus becomes important. If impartiality and respect for arguments are recognized as basic democratic values, this ought to be reflected in the selection of procedures that further deliberation, free exchange of arguments and mutual learning.

In the end, though, the legitimacy of the selected solutions relies just as much on the common acceptance of the chosen procedures as on the substantial arguments presented in the particular case. Procedures always occur at specific levels, but it is seldom altogether obvious which level should be most decisive. Still, the so-called Concentric Circle Theory and the Principle of Subsidiarity give us good guidelines in this respect. The basic point is that higher level decisions must be considered as overriding, but that they should never be so comprehensive and detailed that they exclude differences due to cultural dissimilarities on lower scales.

Apart from illustrating these dilemmas, the story of the Tange Lake also clearly shows us that the range of landscape democracy in a globalizing world is limited by boundaries. All kinds of external factors from technological innovations and distant political decisions to global economic trends and climate changes, none of which have any immediate relation to a specific landscape, may influence its actual shape to a large extent. More refined democratic procedures for decision-making can undoubtedly avert some of the roughest and most devastating effects, but it can never totally prevent external impacts that no one ever called for. World history continues to leave significant unintentional marks on local landscapes, as it proceeds. This is not altogether a bad thing. It also creates novel material for new intriguing landscape narratives.

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